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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

February 8, 2017

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The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th St., SW
Washington, D.C. 20554

Dear Chairman Pai:

I am writing to express my concerns about your decision late last Friday to retract, set aside, and rescind a staff-level "E-Rate Modernization Progress Report."

Your unilateral action last week to quash a staff report providing an analysis and progress report of the agency's E-Rate modernization efforts shows a troubling disinterest in the facts. The facts are these: the revitalized E-Rate program is now connecting more schools and libraries in every state with faster and better broadband. More students in more places, including in more rural areas, can now get access to the tools they need for a digital education, which is essential if our nation's students are to compete in the 21st century economy. Today's E-Rate is a student-centered program that remains critical to the future of education and the economy in the United States.

The fact that you directed three bureaus to issue a formal order to retract, set aside, and rescind a staff report was extraordinary. You also declared that the report was "controversial" and made clear that it would have no "effect or meaning going forward." Such actions are deeply disturbing to our nation's schools and libraries and those of us in Congress who are their allies in support of the E-Rate program.

As FCC Chairman, you are now the steward of the E-Rate program. It is without question the single most important educational technology program in the country. Our nation's students, teachers, and librarians—and this senator—will hold you accountable for any changes that roll back this highly successful and cherished program that has helped to bring internet connectivity and broadband to schools and libraries throughout the nation.

Sincerely,



BILL NELSON
Ranking Member

cc: The Honorable John Thune, Chairman



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 7, 2017

The Honorable Bill Nelson
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Nelson:

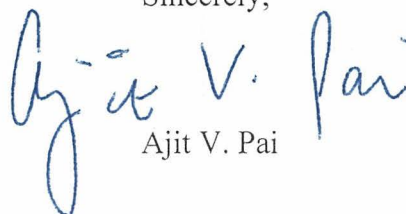
Thank you for your letter regarding the retraction by the Acting Chiefs of the FCC's Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Managing Director of the "E-rate Modernization Progress Report" released on January 18, 2017.

As I said in my first remarks to the agency's terrific career staff, I believe one of our core priorities going forward must be to close the digital divide. And a more effective E-Rate program—one that promotes better connectivity for students and library patrons alike—can be a powerful tool to help bridge that divide. E-Rate is a key component of the Universal Service Fund and can help millions of children in America benefit from digital learning. This is why, four years ago, I said that "E-Rate is a program worth fighting for." And this is why I have advocated for a student-centered approach to E-Rate, one in which program support follows the student, rather than being distributed through a complicated, outdated priority system. We must also streamline the E-Rate funding process, making it easier for schools to apply for and obtain funding without having to fill out seven different series of forms and/or spend scarce funds (which should be devoted to students) on outside consultants. And we must end the incentives for wasteful spending, distribute funds more fairly, and make the program much more transparent.

The report at issue was released in the last days of the previous Administration. Not only were Commissioners not given the traditional 48 hours to review it, but it was not shown *at all* to Commissioners before being released. This was unacceptable and an abuse of the FCC's processes. Reports like this should not be (and henceforth, will not be) issued without advance notice being provided to Commissioners. Revocation simply affirms that a report issued improperly has no legal or other effect going forward and does not necessarily reflect the views of a majority of Commissioners. With that said, the report will remain available on the agency's website for public review.

I appreciate your interest in this matter and I look forward to working with you as we pursue the goal of promoting digital learning. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai